

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VICTORIAN PRINCESS CRUISE LINES,)	
INC.,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. 04-344 ERIE
)	
FRANK J. ROSSO and)	
JAMES CAMPBELL,)	
Defendants)	ELECTRONICALLY FILED

JOINT MOTION FOR AMENDMENT OF CASE MANAGEMENT ORDER

Defendant FRANK J. ROSSO, by his attorneys, MacDonald, Illig, Jones & Britton LLP and defendant JAMES CAMPBELL, by his attorneys Yochim, Skiba, Johnson and Nash and Gary V. Skiba, Esq., file this Joint Motion for Amendment of Case Management Order and state the following in support thereof:

1. This civil action presents claims by plaintiff Victorian Princess Cruise Lines, Inc. against defendants Frank J. Rosso (hereinafter "Rosso") and James Campbell (hereinafter "Campbell") under alleged Guaranties related to a Lease Agreement dated August 15, 2001, and Additional Provisions dated August 16, 2001, related to the lease of a vessel identified as a Skipper Liner Model 2000 motor yacht. (Complaint).

2. Pretrial discovery in this civil action is to be completed in the following two phases that will address the following issues:

- (a) Phase I to be limited to the issues of personal jurisdiction over defendants Rosso and Campbell and the validity and enforceability of the Guaranties that provides the basis for Counts I and II of the Complaint; and
- (b) Phase II, if necessary, to address the amount, if any, that defendants Rosso and/or Campbell owe under the Guaranties that provides the basis for Counts I and II of the Complaint if this Honorable Court determines that there is personal jurisdiction over Rosso and Campbell and that one or both of the Guaranties are valid and enforceable.

3. On April 18, 2005, by Minute Order, this Honorable Court issued a Case Management Order directing that all Phase I discovery be completed on or before August 12, 2005, with dispositive motions to be filed on or before September 1, 2005, and responses thereto to be filed on or before September 21, 2005. (Docket Entries).

4. The parties to this Motion for Amendment of Case Management Order require additional time within which to complete their Phase I discovery, by depositions and otherwise, to properly prepare their cases with respect to the issues of personal jurisdiction and liability under the alleged Guaranties and are in the process of scheduling the depositions of Timothy J. Sedney, a principal of plaintiff Victorian Princess Cruise Lines, Inc.

5. The parties herein have not made any prior requests for an extension of time to complete discovery, and this civil action has not been scheduled for trial.

6. Although plaintiff Victorian Princess Cruise Lines, Inc., does not join in this Joint Motion for Amendment of Case Management Order, counsel for plaintiff, Melissa Shirey, Esq. indicated on August 12, 2005 that plaintiff has no objection to an extension of the Phase I discovery through September 30, 2005.

7. In view of the additional discovery required by the parties to this Motion for Amendment of Case Management Order, defendant Rosso and defendant Campbell jointly request a modest extension of time until September 30, 2005, within which to complete Phase I discovery, and the issuance of an Amended Case Management Order consistent therewith.

WHEREFORE, defendant Frank J. Rosso and defendant James Campbell respectfully request this Honorable Court to extend time for completion of discovery until September 30, 2005, and to issue an Amended Case Management Order consistent therewith.

Respectfully submitted,

s/Roger H. Taft

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion for Amendment of Case Management Order was served upon the following counsel of record for plaintiff Victorian Princess Cruise Lines, Inc. and defendant James Campbell, via First-Class United States Mail, this 12th day of August, 2005:

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